

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
Southern District of Florida

FILED BY SM D.C.

Mar 29, 2024

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FTL

United States of America

v.

Tomas Alksnys,
a/k/a "John Himmer,"

Case No. 24-MJ-6144-PAB

Defendant(s)

CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 21-May 22, 2023 in the counties of Broward and Miami-Dade in the
Southern District of Florida, the defendant(s) violated:

Code Section

18 U.S.C. § 1344

Offense Description

Bank Fraud

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

S/Adely Hughes HSI
Complainant's signature

Kelly Hughes, Special Agent, HSI
Printed name and title

Attested to by the Applicant in accordance with the requirements of Fed.R.Crim.P. 4.1 by FaceTime

Date: March 29, 2024

[Signature]
Judge's signature

City and state: Ft. Lauderdale, Florida

Hon. Panayotta Augustin-Birch, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT

I, Special Agent Kelly Hughes, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with seventeen years of investigative experience. I have been assigned to the United States Department of Homeland Security (“DHS”) as a Special Agent since February 2007. I am currently assigned to Homeland Security Investigations (“HSI”), Special Agent in Charge Miami, Document and Benefit Fraud Task Force, and have been so assigned since October 2023. My responsibilities, training, and experience include investigation of a wide variety of violations of federal law, including document fraud, benefit fraud, wire fraud, and other financial crimes. I have received training and experience on the job both formal and informal, in the enforcement of fraud laws related to bank fraud and wire fraud. I am familiar with and have utilized many of the traditional methods of investigation, including without limitation, visual surveillances, electronic surveillances, informant, suspect, and witness interviews, consensually recorded telephone conversations, covert audio and video surveillance, defendant debriefings, the use of confidential sources, undercover operations, examinations of bank and financial documents, the execution of search warrants, and the controlled purchase of contraband and other items used during the commission of federal offenses.

2. I make this Affidavit in support of a criminal complaint charging TOMAS ALKSNYS, a/k/a “John Himmer,” with violations of Title 18, United States Code, Section 1344 (Bank Fraud).

3. The facts set forth in this Affidavit are based on (a) my personal observations; (b) my training and experience; (c) information obtained from other federal and state agents, witnesses including bank investigators, and other persons; and (d) documents and records obtained

from these persons, and from public and other sources. Because your affiant submits this Affidavit for the limited purpose of showing probable cause, I have not included each and every fact that I have learned in this investigation in this Affidavit. Additionally, unless indicated otherwise, all statements and conversations described herein are related in substance and part only rather than verbatim.

FACTS IN SUPPORT OF PROBABLE CAUSE

4. In March and June of 2023, via the Internet Crime Complaint (“IC3”) Center,¹ at least three individuals reported to law enforcement that they were victims of a scheme whereby they wired funds to a bank account for the purchase of vehicles advertised for sale online, yet the vehicles were never delivered. The IC3 victims identified Company 1 as the recipient of the wired funds.

5. According to records filed with the Florida Division of Corporations, available at the website sunbiz.org, Company 1 was formed as a Florida limited liability company on or about January 10, 2023. Company 1 Articles of Organization identify “John Himmer,” with a listed address in Sunny Isles Beach, Florida, as the managing member of Company 1.

6. Law enforcement subsequently obtained bank records for various accounts opened in the name of Company 1 at Bank 1 and Bank 2 in the Southern District of Florida. Both Bank 1 and Bank 2 are insured by the Federal Deposit Insurance Corporation.

7. According to Bank 1 records, on or about March 2, 2023, “John Himmer” with a date of birth in 1998 opened a business bank account in the name of Company 1, utilizing a Lithuanian passport, ending in -8405, at a Bank 1 branch located in Miami, Florida.

¹ IC3 is a public national website where victims of cybercrime can file a complaint or report.

8. Information obtained by the State Department in Lithuania confirmed that no Lithuanian national with the name “John Himmer” and with that date of birth in 1998 exists.

9. According to Bank 2 records, on or about February 28, 2023, at a branch in Aventura, Florida, “John Himmer” opened a business bank account in the name of Company 1, bearing account number -7298 (hereafter, the “Company 1 -7298 Account”). Bank 2 records confirmed that “John Himmer” was the sole authorized signatory on the Company 1 -7298 Account. Bank 2 records also revealed that \$100 was deposited into the Company 1 -7298 Account on or about March 21, 2023 at a Bank 2 branch on Bay Harbor Island, Florida.

10. Through review of the Company 1 -7298 Account records, law enforcement identified and interviewed two additional potential victims, Victim 1 and Victim 2, both of whom made five-figure wires into the Company 1 -7298 Account.

11. Victim 1 resides in Rowe, Virginia. According to Victim 1, in or around May 2023, Victim 1 attempted to purchase a 1969 Chevy Camaro through what Victim 1 thought to be a legitimate website for a well-known online auction company. After seeing the 1969 Chevy Camaro advertised for sale on the website, Victim 1 communicated via email with the purported seller, who identified herself as “S.C.,” regarding the purchase of the 1969 Chevy Camaro. S.C. instructed Victim 1 to wire approximately \$24,400 to the Company 1 -7298 Account and represented that the 1969 Chevy Camaro would be delivered to Victim 1 upon receipt of the wire.

12. According to Victim 1, and as confirmed by Company 1 -7298 Account records, Victim 1 wired approximately \$24,400 to the Company 1 -7298 Account on or about May 11, 2023.

13. Victim 1 stated the 1969 Chevy Camaro was never delivered and attempts to contact the seller were not successful. Victim 1 then discovered the online auction website had been removed.

14. According to Company 1 -7298 Account records, prior to receipt of Victim 1's \$24,400 wire on or about May 11, 2023, the Company 1 -7298 Account had a balance of \$0.

15. According to Company 1 -7298 Account records, on or about May 12, 2023, after Victim 1's \$24,400 wire cleared, it was immediately dissipated through two cash withdrawals: \$10,000 in cash was withdrawn at a Bank 2 branch in Bay Harbor Island, Florida; and \$14,000 in cash was withdrawn at a Bank 2 branch in North Miami, Florida.

16. Victim 2 resides in New York, New York. According to Victim 2, in or around May 2023, Victim 2 attempted to purchase a Mercedes Benz through what Victim 1 thought to be a legitimate online auction website. After seeing the Mercedes Benz advertised for sale on the website, Victim 2 communicated with an unidentified female subject via telephone, who instructed Victim 2 to wire approximately \$63,749 to the Company 1 -7298 Account and represented that the Mercedes Benz would be delivered to Victim 2 upon receipt of the wire.

17. According to Victim 2, and as confirmed by Company 1 -7298 Account records, Victim 2 wired approximately \$63,749 to the Company 1 -7298 Account on or about May 18, 2023.

18. Victim 2 attempted to recall the wire on the same day, due to having a bad feeling, but Bank 2 was unable to reverse the wire. Victim 2 attempted to email and call the unknown subject, but no one responded. Victim 2 reported that the auction website was removed from the Internet three days after Victim 2 sent the wire to the Company 1 -7298 Account. Victim 2 never received the Mercedes Benz.

19. According to Company 1 -7298 Account records, prior to receipt of Victim 2's \$63,749 wire on or about May 18, 2023, the Company 1 -7298 Account had a balance of approximately \$360.

20. That same day, following Victim 2's \$63,749 wire, the Company 1 -7298 Account received a second wire in the amount of approximately \$84,500, bringing the total balance to approximately \$143,609.

21. From on or about May 18, 2023, through on or about May 24, 2022, the funds in the Company 1 -7298 Account were dissipated via cash withdrawals, wires, and debit card purchases, until the Company 1 -7298 Account over-drafted with a negative balance.

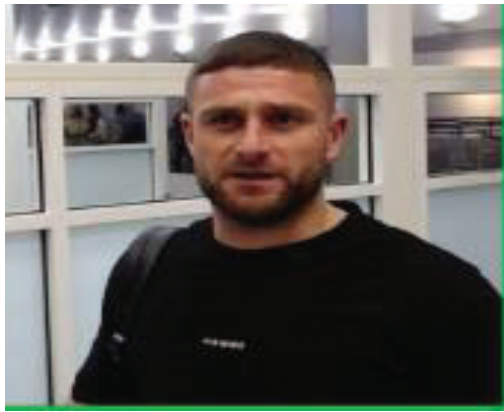
22. Two of the cash withdrawals, in the amounts of \$10,000 and \$28,000, respectively, occurred on or about May 22, 2023 at a Bank 2 branch in Hollywood, Florida.

23. Bank 2 provided surveillance video footage from the March 21, 2023 \$100 counter deposit at the Bank 2 branch on Bay Harbor Island, Florida, as well as from the two May 22, 2023 cash withdrawals at the Bank 2 branch in Hollywood, Florida. From review of the stills from the video surveillance, it appears to be the same individual conducting the transactions regarding the Company 1 Bank Account on both March 21, 2023 and May 22, 2023.

24. Video from the May 22, 2023 transactions reveals the individual presenting what appears to be a red Lithuanian passport to the teller. Stills from the video surveillance from the May 22, 2023 cash withdrawals from the Company 1 Bank Account follow:



25. Law enforcement used facial recognition software to determine that the individual captured on video surveillance conducting the May 22, 2023 cash withdrawals was ALKSNYS, a Lithuanian national without legal status in the United States. A photograph of ALKSNYS from an official United States border crossing, dated October 19, 2022, follows:




26. According to United States immigration records, ALKSNYS entered the United States with a valid Lithuanian passport in his own name pursuant to the Visa Waiver Program via Dallas Fort Worth International Airport on or about October 19, 2022, and remained in the United States when Company 1 was formed on or about January 10, 2023. On or about January 15, 2023, ALKSNYS departed the United States via Ft. Lauderdale International Airport for Mexico. When ALKSNYS attempted to return to the United States via Ft. Lauderdale International Airport on or about January 18, 2023, he was denied entry pursuant to the Visa Waiver Program. There is no immigration record of ALKSNYS' re-entry into the United States subsequent to his January 15, 2023 departure. On or about November 10, 2023, however, ALKSNYS was encountered by law enforcement in Miami-Dade County and placed into the custody of Enforcement and Removal Operations.

CONCLUSION

27. Based on the foregoing, I respectfully submit that there is probable cause to believe that, from on or about March 21, 2023, through on or about May 22, 2023, in Broward and Miami-Dade Counties, in the Southern District of Florida, and elsewhere, TOMAS ALKSNYS, a/k/a "John Himmer," did knowingly, and with the intent to defraud, execute, and cause the execution of, a scheme and artifice to defraud one or more financial institutions, which scheme and artifice would employ a material falsehood, and to knowingly, and with intent to defraud, execute, and cause the execution of, a scheme and artifice to obtain moneys and funds owned by, and under the custody and control of, one or more financial institutions, by means of materially false and fraudulent pretenses, representations, and promises relating to a material fact, in violation of Title 18, United States Code, Section 1344.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,


KELLY HUGHES, SPECIAL AGENT
HSI

Sworn to and attested by FaceTime
per Fed. R. Crim. P. 4(d) and 4.1
on this 29th day of March, 2024.



HONORABLE PANAYOTTA AUGUSTIN-BIRCH
UNITED STATES MAGISTRATE JUDGE